

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

LOUIS SCHRAM

Claim No. CU - 0936

Decision No. CU

**361**

Under the International Claims Settlement  
Act of 1949, as amended

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$935.00, was presented by LOUIS SCHRAM and is based upon the asserted loss of an investment in land. Claimant has been a national of the United States since his birth in the State of Missouri on July 12, 1921.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964) 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the

date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

Section 502(1) of the Act defines the term "national of the United States" to mean "(A) a natural person who is a citizen of the United States." The term does not include aliens.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Claimant contends that he lost an investment in real property in Cuba valued at \$935.00. He has submitted a contract of purchase and sale, dated January 2, 1959, between Dieuwertje De Vries Howard, as seller, and LOUIS SCHRAM, the claimant herein, as purchaser. According to the aforesaid contract, the seller, described as owner of the real estate development known as "Santa Rosalia Heights," sold to the claimant, for an agreed purchase price of 990 pesos, Lots 20 and 21 of Section or Block "A", development of "Santa Rosalia Heights," district of Sierra de Caballos, town of Isla de Pinos, Cuba. Pursuant to said contract, the claimant made a down payment of 50 pesos and agreed to pay the remaining 940 pesos in twenty-four monthly installments; the contract further discloses that claimant made an additional payment in the amount of 35 pesos for the installation of utility lines. Claimant has also submitted a copy of a personal money order receipt, four tellers check receipts, and two receipts from the seller's husband, Captain Robert L. Howard, disclosing additional payments under the subject purchase contract. The last receipt from Captain Howard, dated August 13, 1960, indicates a balance due of \$170.00 under the subject contract.

On December 6, 1961, the Cuban Government published its Law 989 (Official Gazette, XXIII, No. 237, p. 23705) which confiscated all assets, personal property and real estate, rights, shares, stocks, bonds and securities of persons who had left the country. As the record shows, in December 1961, claimant resided in the United States. The Commission finds, in the absence of evidence to the contrary, that claimant's investment in the subject real property was taken by the Government of Cuba on December 6, 1961, pursuant to the provisions of Law 989.

Based on the entire record the Commission finds that the total amount of claimant's investment in the subject land was \$855.00. Accordingly, the Commission concludes that claimant suffered a loss in that amount, within the meaning of Title V of the Act.

The Commission has decided that in payment of losses on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be allowed at the rate of 6% per annum from the date of loss to the date of settlement (See the Claim of Lisle Corporation, FCSC Claim No. CU-0644).

Accordingly, the Commission concludes that the amount of the loss sustained by claimant shall be increased by interest thereon at the rate of 6% per annum from December 6, 1961, the date on which the loss occurred, to the date on which provisions are made for the settlement thereof.

CERTIFICATION OF LOSS

The Commission certifies that LOUIS SCHRAM suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Eight Hundred Fifty-Five Dollars (\$855.00) with interest thereon at 6% per annum from December 6, 1961, to the date of settlement.

Dated at Washington, D. C.,  
and entered as the Proposed  
Decision of the Commission

OCT 4 1967

*Edward D. Re*

Edward D. Re, Chairman

*Theodore Jaffe*

Theodore Jaffe, Commissioner

*LaVern R. Dilweg*

LaVern R. Dilweg, Commissioner

CERTIFICATION

This is a true and correct copy of the decision of the Commission that was entered as the final decision on 6 NOV 1967

*Francis Thompson*  
Clerk of the Commission

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)